

Minnesota Department of Public Safety State Fire Marshal Division

Short-Term Rental Home Properties

The Minnesota State Fire Marshal Division (SFMD) is often asked if we inspect short-term rental home properties made popular by websites and apps such as Airbnb, VRBO and HomeAway. While these short-term rental homes operate like a hotel or resort cabin, the SFMD does not inspect these types of properties. The rationale for this can be found in Minnesota statute and the 2020 Minnesota State Fire Code (MSFC).

Minnesota State Fire Marshal Statute

Minnesota Statute 299F.391, Subdivision 1 (c)

"Hotel" means any building or portion thereof containing six or more guest rooms intended or designed to be used, or which are used, rented, hired out to be occupied, or which are occupied for sleeping purposes by guests, and which is required to be licensed pursuant to Minnesota statute chapter 157.

2020 Minnesota State Fire Code

While complex, the MSFC has several definitions and classifications pertaining to short-term rental or transient facilities. Typically, these types of facilities are classified as Group R-1 Occupancies and include facilities such as bed and breakfast facilities with six or more guest rooms and hotels/motels. Short-term rental homes are classified as Group R-3 Occupancies and include facilities such as single family homes and bed and breakfast facilities with less than six guest rooms.

What defines a guest room? The MSFC defines this as a room or groups of rooms intended to be used by guests for lodging. While it is easy to recognize a guest room in a hotel, it's less clearly defined in a short-term rental home. These homes could be small one to two bedroom buildings or could be multi-story mansions. A better definition to use would be Dwelling and Dwelling Units. Both the MSFC and Minnesota Building Code (MBC) define a dwelling as a building with dwelling units that are used, rented, leased or hired out to be occupied for living purposes. A dwelling unit is defined as a single unit with complete living facilities such as living, sleeping, eating, sanitation and cooking.

By using the MSFC and MBC definitions, a guest room could therefore be a typical hotel room with only sleeping and sanitation facilities, an extended-stay hotel room or suite containing sleeping, living, eating, sanitation and cooking facilities or a short-term rental home whereby the entire home is rented out as a single unit. However, a short-term rental home that rents out each bedroom individually would effectively change its definition and use to a Boarding House and would be subject to those provisions of the Minnesota Department of Health and the MSFC.

For further information, please contact the SFMD at 651-201-7221, email us at fire.code@state.mn.us or visit our [website](#) for the latest information on fire in Minnesota.

